

These minutes were approved by the Board on 9.3.2021

**MINUTES OF THE CONFERENCE CALL MEETING**  
**Board of Mental Health Practice**  
July 9, 2021

**1. ROLL CALL**

The meeting of the Board of Mental Health Practice was called to order by the Chair, Dale Battleson, at 9:01 a.m. at the Nebraska State Office Building, 301 Centennial Mall South, Lower Level A, Lincoln, Nebraska. In accordance with Neb. Rev. Stat. § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were e-mailed to the Board members and other interested parties, posted on the DHHS web 6.30.2021 and revised agenda posted 7.2.2021.

The following members answered roll call:

**Members Present (9):**

Laurie Andrews, Member  
Dale Battleson, Chair  
Batter, Sara, Member  
Janeen Gill, Secretary  
David Hof, Vice Chair  
Mychelle Martinez, Member  
Susan Meyerle, Member  
Susan Reay, Member  
Sarita Ruma, Member

**Members Absent (1):**

Cassandra Dittmer, Member

**Others Present:**

Kris Chiles, Program Manager, Licensure Unit  
Teresa Hampton, DHHS Attorney  
Mindy Lester, Assistant Attorney General and Abby (Law Clerk)  
Trevor Klaassen, Mark Meyerson, Kathy Krueger, and Andria Price, Investigations

A quorum was present and the meeting convened.

**2. ADOPTION OF AGENDA**

**MOTION:** Meyerle moved, seconded by Hof, to adopt the agenda. A voice vote was taken. Voting aye: Andrews, Battleson, Batter, Gill, Hoff, Martinez, Meyerle, Reay, Ruma (9). Voting nay: None (0). Absent: Dittmer (1). Abstain: None (0). Motion carried.

**3. APPROVAL OF MINUTES**

**MOTION:** Ruma moved, seconded by Hof, to approve the minutes of 5.2021 with a minor correction. A voice vote was taken. Voting aye: Andrews, Battleson, Batter, Gill, Hoff, Martinez, Meyerle, Reay, Ruma (9). Voting nay: None (0). Absent: Dittmer (1). Abstain: None (0). Motion carried.

**4. REGULATION DISCUSSION: Status of 172 NAC 94 (AG approved 6.14.21; to Governor 6.21.2021)**

Chiles announced that the Governor approved 172 NAC 94 and the regulations will be effective 7.12.2021.

Members discussed ways to inform licensees, schools, associations, etc., and perhaps hold a webinar or zoom meeting to provide an overview of the changes, specifically LIMHP scope vs LMHP, major mental disorder, and unprofessional conduct. Additional suggestions were videos and email blast. Plan is to disseminate in the next 60 days. Members wanted a consistent message. Reay developed a quick slide show that she shared with members and asked them to send comments to her by July 24<sup>th</sup>. A conference call will be set up in August to review, collaborate, and finalize ideas.

## **5. CLOSED SESSION - INVESTIGATIVE REPORTS & OTHER CONFIDENTIAL INFORMATION**

**MOTION:** Ruma moved, seconded by Meyerle, to enter into closed session at 9:33 a.m. to hear discussions of an investigative/confidential nature, and for the prevention of needless injury to the reputation of the individuals. Battleson repeated the motion purpose. A roll call vote was taken. Voting aye: Andrews, Battleson, Batter, Gill, Hoff, Martinez, Meyerle, Reay, Ruma (9). Voting nay: None (0). Absent: Dittmer (1). Abstain: None (0). Motion carried.

9:33 a.m. Lester and Law Clerk exited the meeting  
9:43 a.m. Lester and Law Clerk entered the meeting; Hampton exited the meeting  
9:47 a.m. Hoff voiced a conflict of interest and exited the meeting  
9:47 a.m. Krueger exited the meeting  
9:50 a.m. Hoff entered the meeting  
10:08 a.m. Gill voiced a conflict of interest and exited the meeting  
10:12 a.m. Gill entered the meeting  
10:12 a.m. Break  
10:21 a.m. Meeting resumed  
10:37 a.m. Cue and Price exited the meeting  
10:46 a.m. Meyerson and Klaassen exited the meeting  
10:59 a.m. Ruma exited the meeting  
11:40 a.m. Meyerle voiced a conflict of interest and exited the meeting  
11:51 a.m. Meyerle entered the meeting  
11:51 a.m. Break  
  
12:00 noon Meeting returned to Open Session; 5 public individuals entered the meeting room

## **6. OPEN SESSION - REVIEW, RECOMMENDATIONS, AND REPORT OUT** **Applications, Mail Ballot Summary Report and Reinstatements**

### **Reinstatement and Early Release from Probation**

Michael Rolland - Licensed Independent Mental Health Practitioner

**MOTION:** Meyerle moved, seconded by Reay, to deny the request for early release from probation based on insufficient time on probation. A roll call vote was taken. Voting aye: Andrews, Battleson, Batter, Gill, Hoff, Martinez, Meyerle, Reay (8). Voting nay: None (0). Absent: Dittmer, Ruma (2). Abstain: None (0). Motion carried.

### **Initial Application Reviews (Convictions)**

Ramon Prado-Cervantes – Provisional Mental Health Practitioner

**MOTION:** Andrews moved, seconded by Reay, to defer the recommendation and request additional information. A roll call vote was taken. Voting aye: Andrews, Battleson, Batter, Gill, Hoff, Martinez, Meyerle, Reay (8). Voting nay: None (0). Absent: Dittmer, Ruma (2). Abstain: None (0). Motion carried.

Karen Avery – Provisional Mental Health Practitioner

**MOTION:** Meyerle moved, seconded by Reay, to recommend issuance with no terms and conditions. A roll call vote was taken. Voting aye: Andrews, Battleson, Batter, Gill, Hoff, Martinez, Meyerle, Reay (8). Voting nay: None (0). Absent: Dittmer, Ruma (2). Abstain: None (0). Motion carried.

Stephanie Zepeda - Provisional Mental Health Practitioner

**MOTION:** Meyerle moved, seconded by Hof, to recommend issuance with no terms and conditions. A roll call vote was taken. Voting aye: Andrews, Battleson, Batter, Gill, Hoff, Martinez, Meyerle, Reay (8). Voting nay: None (0). Absent: Dittmer, Ruma (2). Abstain: None (0). Motion carried.

Amber Leighty – Provisional Mental Health Practitioner

**MOTION:** Batter moved, seconded by Hof, to defer the recommendation and request additional information. A roll call vote was taken. Voting aye: Andrews, Battleson, Batter, Gill, Hoff, Martinez, Meyerle, Reay (8). Voting nay: None (0). Absent: Dittmer, Ruma (2). Abstain: None (0). Motion carried.

Jeromie Luginbill - Provisional Mental Health Practitioner

**MOTION:** Hof moved, seconded by Gill, to recommend issuance with no terms and conditions. A roll call vote was taken. Voting aye: Andrews, Battleson, Batter, Gill, Hoff, Martinez, Meyerle, Reay (8). Voting nay: None (0). Absent: Dittmer, Ruma (2). Abstain: None (0). Motion carried.

Amber Schramm- Provisional Mental Health Practitioner

**MOTION:** Batter moved, seconded by Gill, to defer the recommendation and request additional information. A roll call vote was taken. Voting aye: Andrews, Battleson, Batter, Gill, Hoff, Martinez, Meyerle, Reay (8). Voting nay: None (0). Absent: Dittmer, Ruma (2). Abstain: None (0). Motion carried.

Jacob Stotler - Provisional Mental Health Practitioner

**MOTION:** Gill moved, seconded by Batter, to recommend issuance with no terms and conditions. A roll call vote was taken. Voting aye: Andrews, Battleson, Batter, Gill, Hoff, Martinez, Meyerle, Reay (8). Voting nay: None (0). Absent: Dittmer, Ruma (2). Abstain: None (0). Motion carried.

**Hours of Experience**

Bradley Negrete – Licensed Independent Mental Health Practitioner

**MOTION:** Meyerle moved, seconded by Gill, to recommend non-acceptance of hours that cannot be verified; thus he has not submitted evidence of 10 years of supervised experience. A roll call vote was taken. Voting aye: Andrews, Battleson, Batter, Gill, Hoff, Martinez, Meyerle, Reay (8). Voting nay: None (0). Absent: Dittmer, Ruma (2). Abstain: None (0). Motion carried.

**7. \*SOCIAL MEDIA THERAPIST GROUPS AND CONFIDENTIALITY** (Susan Reay)

Reay reported that there were a number of Facebook networking closed/private groups, of which 3 are present in the room.

Questions and conversation included:

- How much information should be shared with closed Facebook services, such as 'I am the mom of a daughter who is xxx, looking for a therapist in Bellevue'
- AG stated she has no official position, however, it is prudent not to share detailed information on the web, even if it is a closed group. A better approach may be, 'I need a therapist for xxx'
- Not appropriate to provide details of client
- Reminder of public protection
- Need to educate those who join or initiate Facebook pages
- What role does the moderator of the pages have in regards to approving the posts
- Need to police self, responsible for what the individual posts
- Mandatory reporting laws exist (confidentiality of information released in posts)
- Careful with conversations
- Jurisdiction over licensee not administrator unless the moderator is also a licensee
- If the information cannot be shared in person, cannot be shared through social media
- Clients sometime looking for a therapist, the therapist needs to be sure they follow ethics
- The Uniform Credential Act and MHP regulations still apply to social media even if the regulations or other rules are not specific to social media
- Good practice to lay out expectations of posting and the role of the moderator
- Creation of spreadsheet with therapists who specialize in specific areas an option
- One of the public members stated perhaps start own group and not use a non-licensed moderator
- Ultimate purpose is to 'protect the public'
- Perhaps using posting for consultation and support networking
- HIPPA training lacking in schools, learning in provisional training

- Case studies used in schools vs live situations
- Beneficial for group to outline expectations
- Perhaps utilize associations and CE classes to address social media guidance
- Educational programs have responsibility to provide information on confidentiality and unprofessional conduct

## **8. UPDATES AND REPORTS**

### **a. 2021 Legislation (LB 325, Art Therapy LB 400, Other)** <https://nebraskalegislature.gov>

LB 325: Art Therapy - current status - placed on general file 3.15.2021  
[https://nebraskalegislature.gov/bills/view\\_bill.php?DocumentID=44297](https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=44297)

LB 400: current status – approved by Governor on April 21, 2021  
[https://nebraskalegislature.gov/bills/view\\_bill.php?DocumentID=44076](https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=44076)

LB 400 would change provisions with respect to telehealth. Under the bill, the definition of telehealth for the purposes of domestic insurance companies and the Nebraska Telehealth Act, is amended to include audio-only services for the delivery of behavioral health services. LB 400 would amend the Nebraska Telehealth Act to allow for a patient to have the option to give verbal consent, in lieu of written consent, during a telehealth consultation that the patient understands information provided by a practitioner regarding the telehealth consultation. If the patient gives verbal consent during the initial telehealth consultation, a signed statement shall be collected within ten days. The bill would allow the patient to sign the consent statement via electronic signature. LB 400 would also eliminate a requirement that insurers demonstrate compliance with the signed written consent requirement under the Nebraska Telehealth Act. Finally, LB 400 prohibits insurers from excluding coverage solely because a service is delivered through telehealth, including services originating from any location where the patient is located.

Music Therapy  
<https://dhhs.ne.gov/licensure/Pages/Credentialing-Review.aspx>

Meyerle reported that Technical Review Committee and the Board of Health recommended against approval of the music therapy 407 proposal. Reports are available on the web site listed above.

### **b. COVID 19: Executive Orders, Renewals, Directed Health Measures** <https://dhhs.ne.gov/licensure/Pages/Mental-Health-and-Social-Work-Practice.aspx>

The State of Emergency has expired (June 30<sup>th</sup>) and Executive Orders 20-10 and 20-37 will expire on July 30, 2021. Renewals are currently set to expire October 31, 2021. Licensees will be sent email and postcard notification of the expiration date.

### **c. Association and Committee Updates:**

- AASCB <http://www.aascb.org>

Meyerle reported the AASCB is sponsoring virtual hang-outs once a month; July 30<sup>th</sup> is the next virtual meeting; topic is learn about graduate programs.

- AMFTRB <http://www.amftrb.org>

Battleson reported the next meeting is in September and will be a virtual meeting. Battleson is participating in examination item writing.

- ASWB <http://www.aswb.org>

Reay reported she is also participating in examination item writing; ASWB received a federal grant for a licensure compact aimed at military families. Batter has applied to participate in the ASWB board member training (free to state members).

#### Justice Behavioral Health Committee

Gill reported the next meeting is June 9<sup>th</sup>. There is a survey circulating relating to sex offender needs, gaps, indirect services, gang members, overcome criminal histories, housing gaps, rural areas, and transportation

1:09 p.m. Members of the Public exited the meeting

- d. Reports: Disciplinary and Non-Disciplinary Actions, Licensure Statistics, Examination Pass/Fail Report, and Administrative Penalty Fees Assessed

Date of Reports: 1.1.2021 to 6.30.2021 attached to agenda

### **9. ADJOURNMENT**

Battleson declared the meeting adjourned at 1:11 p.m.; next meeting September 3, 2021.

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L. Janeen Gill, Secretary  
Board of Mental Health Practice

Summarized by: Licensure Unit